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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, MAY 5, 2000

APPLICATION OF

MAXCESS OF VIRGINIA, INC.

CASE NO. PUC000127

For certificates of public  
convenience and necessity to  
provide facilities-based and resold  
local exchange and interexchange  
telecommunications services

ORDER FOR NOTICE AND HEARING

On April 21, 2000, Maxcess of Virginia, Inc. ("Maxcess" or "Applicant"), filed an application for certificates of public convenience and necessity ("certificates") with the State Corporation Commission ("Commission") to provide facilities-based and resold local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. The Applicant also requested authority to price its interexchange services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

NOW UPON CONSIDERATION of the application, the Commission is of the opinion and finds that Maxcess' application should be docketed; that the Applicant should give notice to the public of its application; that the Commission Staff should conduct an investigation into the reasonableness of the application and

present its findings in a Staff Report; and that a public hearing should be convened to receive evidence relevant to Maxcess' application for a certificate to provide local exchange services; and, if substantive objections are received, evidence shall be received at the public hearing with regard to Maxcess' application for a certificate to provide interexchange services. Accordingly,

IT IS ORDERED THAT:

(1) This case is docketed and assigned Case No. PUC000127.

(2) A public hearing for the purpose of receiving evidence relevant to Maxcess' application for a certificate to provide local exchange services is scheduled for July 12, 2000, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219. If substantive objections to Maxcess' application for a certificate to provide interexchange services are received on or before June 12, 2000, the Commission will also hear evidence on this issue at the July 12, 2000, public hearing. If no such substantive objections are received on or before June 12, 2000, the Commission may grant Maxcess' requested certificate to provide interexchange services without conducting a hearing.

(3) On or before May 22, 2000, the Applicant shall complete publication of the following notice which may be published on one (1) occasion as classified advertising in

newspapers having general circulation throughout the Applicant's proposed service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY  
MAXCESS OF VIRGINIA, INC. FOR CERTIFICATES  
OF PUBLIC CONVENIENCE AND NECESSITY TO  
PROVIDE LOCAL EXCHANGE AND INTEREXCHANGE  
TELECOMMUNICATIONS SERVICES THROUGHOUT THE  
COMMONWEALTH OF VIRGINIA  
CASE NO. PUC000127

On April 21, 2000, Maxcess of Virginia, Inc. ("Maxcess" or "Applicant"), filed an application with the State Corporation Commission ("Commission") for certificates of public convenience and necessity ("certificates") to provide local exchange and interexchange telecommunications services throughout the Commonwealth of Virginia. In its application, the Applicant also requested authority to price its interexchange services on a competitive basis pursuant to § 56-481.1 of the Code of Virginia.

A public hearing will be convened on July 12, 2000, at 10:00 a.m. in the Commission's second floor courtroom located in the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, to hear evidence relevant to Maxcess' application for a certificate to provide local exchange services. The Commission will hear evidence on Maxcess' application for a certificate to provide interexchange services at the July 12, 2000, public hearing only if substantive objections to this portion of the application are filed on or before June 12, 2000. If no such substantive objections are received, the Commission may grant the certificate to provide interexchange services without a hearing.

Copies of the application are available for public inspection between the hours of 8:15 a.m. and 5:00 p.m. in the Commission's

Document Control Center located on the first floor of the Tyler Building, 1300 East Main Street, Richmond, Virginia 23219, or can be ordered from counsel for Maxcess, James R. Kibler, Jr., Esquire, Mezzullo & McCandlish, 1111 East Main Street, Suite 1500, P.O. Box 796, Richmond, Virginia 23218.

Any person desiring to comment in writing on Maxcess' application for certificates to provide local exchange services or interexchange services may do so by directing such comments on or before June 12, 2000, to the Clerk of the Commission at the address set out below. Any person desiring to make a statement at the public hearing concerning Maxcess' application for a certificate to provide local exchange services need only appear in the Commission's second floor courtroom at 9:45 a.m. on the day of the hearing and identify himself or herself as a public witness to the Commission's Bailiff.

Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant, pursuant to Commission Rule 4:6 of the Commission's Rules of Practice and Procedure, should promptly obtain a copy of the Order for Notice and Hearing from the Clerk of the Commission for complete details of the procedural schedule and instructions on participation.

Individuals with disabilities who require an accommodation to participate in the hearing should contact the Commission at least seven (7) days before the scheduled hearing date at 1-800-552-7945 (voice) or 1-804-371-9206 (TDD).

All written communications to the Commission concerning Maxcess' application should be directed to Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118,

Richmond, Virginia 23218, and must refer to Case No. PUC000127.

MAXCESS OF VIRGINIA, INC.

(4) On or before May 22, 2000, Applicant shall give notice of its application to each local exchange telephone carrier certificated in Virginia and each interexchange carrier certificated in Virginia by personal delivery or first-class mail, postage prepaid, to the customary place of business or residence of the person served. Lists of all current local exchange and interexchange carriers in Virginia are attached to this Order as Appendices A and B, respectively.

(5) On or before May 30, 2000, the Applicant shall prefile with the Commission an original and fifteen (15) copies of any additional direct testimony it intends to present at the public hearing. Copies shall also be served on any person who files a Notice of Protest.

(6) On or before June 12, 2000, any person desiring to participate as a Protestant as defined in Rule 4:6 of the Commission's Rules of Practice and Procedure ("Rules") shall file an original and fifteen (15) copies of a Notice of Protest as provided in Rule 5:16(a) and shall serve a copy of the same on counsel for Maxcess, James R. Kibler, Jr., Esquire, Mezzullo & McCandlish, 1111 East Main Street, Suite 1500, P.O. Box 796, Richmond, Virginia 23218.

(7) On or before June 12, 2000, any person wishing to lodge an objection to Maxcess' application for a certificate to provide interexchange services shall file an original and fifteen (15) copies of its objection in writing with Joel H. Peck, Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218. Written objections shall refer to Case No. PUC000127 and shall state with specificity why a hearing is necessary. If substantive objections are received, the Commission will hear evidence relevant to this portion of the application at the July 12, 2000, public hearing.

(8) Any person desiring to comment in writing on Maxcess' application for a certificate to provide interexchange services may do so by directing such comments on or before June 12, 2000, to the Clerk of the Commission at the address set forth above. Written comments must refer to Case No. PUC000127.

(9) Any person desiring to comment in writing on Maxcess' application for a certificate to provide local exchange services may do so by directing such comments on or before June 12, 2000, to the Clerk of the Commission at the address set out above. Comments must refer to Case No. PUC000127. Any person desiring to make a statement at the public hearing concerning the application for a certificate for local exchange services need only appear in the Commission's second floor courtroom at

9:45 a.m. on the day of the hearing and identify himself or herself to the Bailiff as a public witness.

(10) Any person who expects to submit evidence, cross-examine witnesses, or otherwise participate in the proceeding as a Protestant pursuant to Rule 4:6 shall file on or before June 21, 2000, an original and fifteen (15) copies of its Protest, referring to Case No. PUC000127, and shall on the same day mail a copy thereof to counsel for Maxcess at the address identified above and to any other Protestants. The Protest shall set forth (i) a precise statement of the interest of the Protestant in the proceeding; (ii) a full and clear statement of the facts which the Protestant is prepared to prove by competent evidence; and (iii) a statement of the specific relief sought and the legal basis therefor. Any corporate entity that wishes to submit evidence, cross-examine witnesses, or otherwise participate as a Protestant must be represented by legal counsel in accordance with the requirements of Rule 4:8 of the Commission's Rules.

(11) On or before June 15, 2000, each Protestant shall file with the Clerk of the Commission an original and fifteen (15) copies of the prepared testimony and exhibits the Protestant intends to present at the hearing and shall on the same day mail a copy of the same to counsel for Maxcess and

other Protestants. Service upon Maxcess shall be made at the address set forth above.

(12) The Commission Staff shall analyze the reasonableness of Maxcess' application and present its findings in a Staff Report to be filed on or before June 23, 2000.

(13) On or before June 23, 2000, if necessary, the Commission Staff may file with the Clerk of the Commission an original and fifteen (15) copies of any prepared testimony and exhibits it intends to present at the public hearing. A copy of the Staff's direct testimony shall be mailed to counsel for the Applicant and to each Protestant.

(14) On or before July 7, 2000, the Applicant shall file with the Clerk of the Commission an original and fifteen (15) copies of any testimony it expects to introduce in rebuttal to any direct prefiled testimony of Staff and Protestants. A copy of the rebuttal testimony shall be mailed to Staff and each Protestant by overnight delivery.

(15) At the commencement of the hearing scheduled herein, Maxcess shall provide to the Commission proof of the notice and service required by Ordering Paragraphs (3) and (4) herein.

(16) The Applicant shall respond to written interrogatories or data requests within seven (7) days after the receipt of the same. Protestants shall provide to the Applicant, other Protestants and Staff any workpapers or



documents used in preparation of their prefiled testimony, promptly upon request. Except as so modified, discovery shall be in accordance with Part VI of the Rules.